

STATE OF CALIFORNIA
STATE AND CONSUMER SERVICES AGENCY
CALIFORNIA BUILDING STANDARDS COMMISSION
2525 NATOMAS PARK DR., SUITE 130
SACRAMENTO, CA 95833
(916) 263-0916 Phone
(916) 263-0959 Fax
Email: cbsc@dgs.ca.gov

Office Use Item No. _____

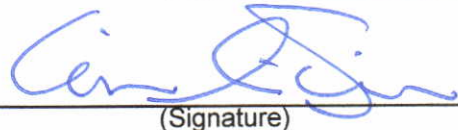
PARTICIPATION COMMENTS FOR THE NOTICE DATED OCTOBER 26, 2012
Written comments are to be sent to the above address.

WRITTEN COMMENT DEADLINE: DECEMBER 10, 2012

Date: 12/10/12

From: Eric McSwain

Name (Print or type)
Access Compliance Consultants, Inc.


(Signature)

Agency, jurisdiction, chapter, company, association, individual, etc.

811 El Capitan Way, Suite 230, San Luis Obispo, CA 93401

Street City State Zip

I/We (do)(do not) agree with:

[☒] The Agency proposed modifications As Submitted on Section No. 11B-247.1.2.5

and request that this section or reference provision be recommended:

[☐] Approved [☐] Disapproved [☐] Held for Further Study [☒] Approved as Amended

Suggested Revisions to the Text of the Regulations:

11B-247.1.2.5 The current proposed language is:

11B_247.1.2.5 Hazardous Vehicular Areas. *If a walk crosses or adjoins a vehicular way, and the walking surfaces are not separated by curbs, railings or other elements between the pedestrian areas and vehicular areas, the boundary between the areas shall be defined by a continuous detectable warning complying with 11B/705.1.1 and 11B/705.1.2.5.*

Please consider the small but very helpful and impactful change:

11B_247.1.2.5 Hazardous Vehicular Areas. *If a walk crosses or adjoins a hazardous vehicular way, and the walking surfaces are not separated by curbs, railings or other elements between the pedestrian areas and vehicular areas, the boundary between the areas shall be defined by a continuous detectable warning complying with 11B/705.1.1 and 11B/705.1.2.5.*

Reason: [The reason should be concise if the request is for "Disapproval," "Further Study," or "Approve As Amend" and identify at least one of the 9-point criteria (following) of Health and Safety Code §18930.]

Per HSC Section 198930 (a), Items (4) and (6)

Firstly, the term hazardous vehicular area is not defined. In my opinion, not all vehicular ways are hazardous, and the title of this section indicates as much. But the text of the requirement is written such that detectable warnings are required at all locations where a walk crosses or adjoins a vehicular way, whether it is hazardous or not. A couple of examples:

A. Zero curb conditions at the heads of accessible parking spaces. In my opinion this is not a hazardous vehicular area. The access aisles certainly not hazardous; they are part of the required accessible route, and NO PARKING must be painted within them. Parked vehicles fill the spaces - at least part of the time, and wheel stops serve as a cane-detectable feature when they are not.

B. Passenger loading areas that are distinctly separate from vehicular drive aisles, such as at hotel porte cocheres, or at cul-de-sac style loading areas at hospitals. Vehicles move slowly through these areas.

Detectable warnings are of questionable benefit and they provide a great nuisance and are potentially hazardous to individuals with mobility impairments. The fact that the DOJ has removed them from their standards altogether indicates to me that they agree. While I don't expect they will be eliminated altogether in the CBC, making this one small change could make a huge difference. It will give designers and building officials flexibility to decide what is most appropriate for each project, and it will bring the text of the section agree with the title of the section

HEALTH & SAFETY CODE SECTION 18930

SECTION 18930. APPROVAL OR ADOPTION OF BUILDING STANDARDS; ANALYSIS AND CRITERIA; REVIEW CONSIDERATIONS; FACTUAL DETERMINATIONS

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- (1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.
 - (2) The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency.
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 - (4) The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.
 - (5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.
 - (6) The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.
 - (7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.
 - (A) If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.
 - (B) If there is no national specification, published standard, or model code that is relevant to the proposed building standard, the state agency shall prepare a statement informing the commission and submit that statement with the proposed building standard.
 - (8) The format of the proposed building standards is consistent with that adopted by the commission.
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[☐] Approved [☐] Disapproved [☐] Held for Further Study [☒] Approved as Amended

Suggested Revisions to the Text of the Regulations:

Please add and exception to 11B-247.1.2.5 that clearly indicates that detectable warnings are not required where public sidewalks cross driveway aprons.

Reason: [The reason should be concise if the request is for "Disapproval," "Further Study," or "Approve As Amend" and identify at least one of the 9-point criteria (following) of Health and Safety Code §18930.]

Per HSC Section 198930 (a), Item (4)

11B_247.1.2.5 Hazardous Vehicular Areas does not exclude locations where public sidewalks cross driveway aprons, and I can provide photos of instances where building officials have required detectable

warnings here. During the public hearings, one of the advocates for visually impaired individuals stated that it would be absurd (my paraphrase) to require detectable warnings at these locations. I agree wholeheartedly, but there is nothing in the proposed standards that says otherwise. In fact, given the text of the standard, they must be installed on each side of driveway aprons. Imagine the misery and confusion this will create. Please ensure that this does not happen.

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I/We (do)(do not) agree with:

[☒] The Agency proposed modifications As Submitted on Section No. 11B-705.1.2.2

and request that this section or reference provision be recommended:

[☐] Approved [☐] Disapproved [☐] Held for Further Study [☒] Approved as Amended

Suggested Revisions to the Text of the Regulations:

. 11B-705.1.2.2 The current proposed language is:

11B_705.1.2.2 Curb Ramps. Detectable warning at curb ramps shall extend 36 inches (914 mm) in the direction of travel. Detectable warning shall extend the full width of the ramp run excluding any flared sides. The detectable warning shall be located so the edge nearest the curb is 6 inches (152 mm) minimum and 8 inches (203 mm) maximum from the line at the face of the curb marking the transition between the curb and the gutter, street or highway.

EXCEPTION: On parallel curb ramps, detectable warning surface shall be placed on the turning space at the flush transition between the street and sidewalk.

Please consider the small but very helpful and impactful change:

11B_705.1.2.2 Curb Ramps. Detectable warning at curb ramps shall extend 36 inches (914 mm) in the direction of travel. Detectable warning shall extend the full width of the ramp run excluding

any flared sides. The detectable warning shall be located so the edge nearest the curb is 6 inches (152 mm) minimum and 8 inches (203 mm) maximum from the line at the face of the curb marking the transition between the curb and the gutter, street or highway.

EXCEPTION: On parallel curb ramps, detectable warning surface may be placed on the turning space at the flush transition between the street and sidewalk.

Reason: [The reason should be concise if the request is for "Disapproval," "Further Study," or "Approve As Amend" and identify at least one of the 9-point criteria (following) of Health and Safety Code §18930.]

Per HSC Section 198930 (a), Items (4) and (5)

Consider long lines of accessible parking spaces fronted by a 5' wide sidewalk with a zero-curb. Detectable warnings stretching for 50' - 100' and taking up 3' of the 5' wide sidewalk is not an uncommon occurrence. The walkway becomes impassible to persons with mobility impairments - the very people it is intended to serve. And what purpose does it serve, other than to comply with the standard?

If designers and building officials were given the flexibility to install detectable warnings on the surfaces of the parallel curb ramps that provide access to these zero-curb walkways, visually impaired individuals would be duly warned, and the walkway would be provide significantly greater access to individuals with mobility impairments. The point here is to provide for flexibility in the standard: allow those closest to individual projects determine what will work best for their specific circumstances.

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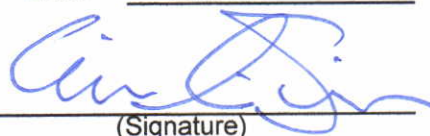
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I/We (do)(do not) agree with:

[☒] The Agency proposed modifications As Submitted on Section No. 11B-805.4.1

and request that this section or reference provision be recommended:

[☐] Approved [☒] Disapproved [☐] Held for Further Study [☐] Approved as Amended

Suggested Revisions to the Text of the Regulations:

The text:

11B_805.4.1 Beds, Exam Tables, Procedure Tables, Gurneys and Lounge Chairs. A 36 inch (914 mm) minimum wide clear space shall be provided along the full length of each side of beds, exam tables, procedure tables, gurneys and lounge chairs.

EXCEPTION: General exam rooms in non/emergency settings may provide clear space on only one side of beds, gurneys and exam tables.

Please modify 11B-805 to eliminate the full-length clear floor space requirement. Consider eliminating the section altogether in anticipation of the adoption of these more and definitive standards.

Reason: [The reason should be concise if the request is for "Disapproval," "Further Study," or "Approve As Amend" and identify at least one of the 9-point criteria (following) of Health and Safety Code §18930.]

Per HSC Section 198930 (a), Items (1), (4), and (5)

11B_805.4.1 Beds, Exam Tables, Procedure Tables, Gurneys and Lounge Chairs, by requiring the clear floor space to extend for the full length of the stated furnishings and equipment fails to recognize how these elements are used and places an undue burden on medical facilities.

For example:

A. Beds. The text will effectively prohibit the placement of bedside tables alongside beds. It will also prohibit the placement of any diagnostic or medical equipment. No dialysis machine, no IV stands, no bedside table. This seems ludicrous, but this is what the standard requires.

B. Exam tables. Exam tables are commonly placed in the corners of rooms - heads in the corners; feet extending outward into the room. This is a space-efficient arrangement that allows provider access to both sides of the tables. But because the tables are on an angle, unless they are pulled out quite a distance from the corner, a 36" wide clear space cannot extend all the way to the head of the table. As with patient beds, no allowance is made for required medical equipment.

C. Procedure Tables. Imagine the myriad types of procedure tables: a urology procedure table, an MRI machine, an ophthalmologist's chair - and so many other types that have vital and integral equipment alongside them. It simply will not be possible to provide and maintain (11B-108) a full length 36" wide clear space on each side of all procedure tables.

D. Gurneys. See items A and C above.

This simply is an unrealistic requirement. The US Access Board has produced Proposed Accessibility Standards for Medical Diagnostic Equipment. In these proposed standards, the required clear spaces along medical equipment (and furnishings) may vary depending on the functionality of and approach to the equipment. In no case do they require the clear floor space to extend for the full length of the equipment - not on one side, and certainly not on both, unless the use of the equipment itself requires it.

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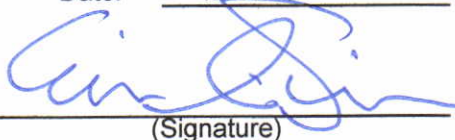
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I/We (do)(do not) agree with:

[☒] The Agency proposed modifications As Submitted on Section No. 11B-805.7

and request that this section or reference provision be recommended:

[☐] Approved [☒] Disapproved [☐] Held for Further Study [☐] Approved as Amended

Suggested Revisions to the Text of the Regulations:

The text:

11B_805.7 Built_in Cabinets and Work Surfaces. Built/in cabinets, counters and work surfaces shall be accessible, including: patient wardrobes, nurse's stations, administrative centers, reception desks, ~~medicine preparation areas, laboratory work stations, equipment consoles, clean and soiled utility cabinets, and storage areas~~; and shall comply with 11B/225 and 11B/902.

Please eliminate 11B-805.7 or amend it to agree with 11B-203.9. Consider something along the lines of:

11B_805.7 Built_in Cabinets and Work Surfaces. Built/in cabinets, counters and work surfaces shall be accessible, including: patient wardrobes, and patient and public sides of nurse's stations, administrative centers, and reception desks shall comply with 11B/225 and 11B/902.

Reason: [The reason should be concise if the request is for "Disapproval," "Further Study," or "Approve As Amend" and identify at least one of the 9-point criteria (following) of Health and Safety Code §18930.]

Per HSC Section 198930 (a), Items (1), (4), and (5)

Scoping section 11B-203.9 states the following:

11B_203.9 Employee Work Areas. Spaces and elements within employee work areas shall only be required to comply with 11B/206.2.8, 11B/207.1, and 11B/215.3 and shall be designed and constructed so that individuals with disabilities can approach, enter, and exit the employee work area.

I imagine that, based on OSHPD CAN 11-B, OSHPD has sponsored or pushed for the inclusion of 11B-805.7, but it makes no sense to say in a broadly applied scoping section (203.9) that employee work areas need only provide for approach, enter, and exit (and alarm system upgrades per 215.3); and then to say that employee work areas within hospitals must be made accessible. It also is not consistent with the intent of the ADA Regulations, which make employee access a Title I issue that only needs to be addressed on an as-needed basis. The potential costs to medical facilities are extreme. At a time when their resources are likely to be severely challenged, it makes no sense to require them to make employee work areas accessible when no other building types are required to do so.

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